

July 16, 2003

PEOPLE FOR MODERN TRANSIT  
RICHARD BORKOWSKI  
PO Box 14057,  
Seattle, WA 98114-0057

Subject: Complaint Concerning Coalition for Effective Transportation Alternatives

Dear Mr. Borkowski:

The Public Disclosure Commission staff has completed its investigation of your complaint received on April 4, 2003, alleging that the Coalition for Effective Transportation Alternatives (CETA) violated RCW 42.17.

The PDC staff reviewed your inquiry in light of the following statutes:

**RCW 42.17.160** exempts persons from registration and reporting under RCW 42.17.150, 42.17.170, and 42.17.200 who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed twenty-five dollars.

**RCW 42.17.200** requires that any person who has made expenditures, not reported by a registered lobbyist, exceeding one thousand dollars in the aggregate within any three-month period or exceeding five hundred dollars in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report the grass roots lobbying campaign within thirty days after becoming a sponsor.

You alleged that the Coalition for Effective Transportation Alternatives, a coalition of supporters organized to publicize the problems with Sound Transit's light rail proposal and to work for more cost-effective transportation, failed to report a grassroots lobbying campaign of radio advertisements that was allegedly begun a number of weeks prior to March 29, 2003. You provided as evidence the observation that a media campaign routinely requires advance payment for political advertising, as well as lead-time to produce commercials and schedule ad time.

We found the following:

- FDR Services, a Public Relations firm owned by Tom Hujar, was hired on March 28, 2003, to produce and schedule the radio ads, for which they were paid \$5,500. The firm coordinated a media purchase with KIRO, KVI and KOMO for ads running on these stations from March 31 through April 2, 2003.
- According to Maggi Fimia, co-chair and media contact for CETA, the coalition received one contribution of \$5,500 for the media campaign, which was spent entirely on the production and scheduling of the radio spots. The coalition reported the grassroots lobbying campaign on April 9, 2003, which was within the thirty-day requirement to report such activity. Since there is no evidence to the contrary that the coalition spent additional funds earlier that meet the threshold for disclosure, no violation has been established.

In addition, you alleged that CETA has a lobby group in Olympia that has not filed lobbyist registration forms (PDC form L-1) prior to lobbying. We found the following:

- Maggi Fimia registered as a lobbyist on April 3, 2003, for CETA. Prior to that, on five occasions, on February 10, February 11, February 14, February 18 and March 4, 2003, Ms. Fimia incurred travel expenses in conjunction with meeting with legislators to lobby for passage of SB5537, SB5538, SB5584, and SB5674, for which she was reimbursed. Given that persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature in connection with such lobbying do not exceed twenty-five dollars are not required to register, it appears that Ms. Fimia should have registered as a lobbyist by March 4, 2003. Although Ms. Fimia filed the L-1 form thirty days later than the March 4, 2003, deadline, Ms. Fimia was not paid to lobby and received reimbursement only for mileage. Thus no further enforcement action is warranted. Ms. Fimia will be cautioned to comply with applicable lobbying registration requirements for future lobbying activities.
- On April 9, 2003, Ms. Fimia timely filed a Lobbyist Expense Report (PDC form L-2) for March activity, showing reimbursement for gas totaling \$102.50 from CETA. On April 21, 2003, Ms. Fimia registered as a volunteer lobbyist for CETA, stating that she would not be paid and would no longer be reimbursed for gas mileage. On May 8, 2003, Ms. Fimia timely filed a L-2 report for April, reporting gas reimbursement of \$25 from CETA. On line 14 of the L-2, she terminated her volunteer lobbyist registration for CETA.
- The other representatives of CETA that have lobbied its cause in Olympia, including Ruth Korkowski, Co-Chair of CETA, John Niles and Tara Peattie, are volunteer representatives, who stated they have made no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying, and stated they have not been paid to lobby or reimbursed for any lobbying related expenses.

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Given that persons who lobby without compensation or other consideration for acting as a lobbyist are exempt from the registration requirement, no violation has been demonstrated.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the Coalition for Effective Transportation Alternatives (CETA).

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie  
Executive Director

c: Coalition for Effective Transportation Alternatives